

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

IN RE:

**JOE MONGE and
ROSANA MONGE**

Debtors.

CASE NO. #09-30881

CHAPTER 11

**APPLICATION TO EMPLOY SIDNEY J. DIAMOND
AS ATTORNEY FOR DEBTOR-IN-POSSESSION**

TO THE HONORABLE LEIF M. CLARK, UNITED STATES BANKRUPTCY JUDGE:

COMES NOW, JOE AND ROSANA MONGE, Debtors in this case and files this Application to Approve the Employment of Sidney J. Diamond, Esq., of Sidney Diamond P.C., as the attorney for Debtors as Debtors-In-Possession and would respectfully show the Court as follows:

1. The Debtors filed a Petition for Relief under Chapter 11 of Title 11 on April 20, 2009, in the above-captioned case.

2. The Debtors have continued in possession of their property and, as Debtors-in-Possession are now operating their business and managing their property pursuant to the provisions of 11 USC § 1101.

3. The Debtors, as Debtors-in-Possession, has employed Sidney J. Diamond, of Sidney Diamond P.C., subject to Court approval, an attorney duly admitted to practice in this Court, to assist the Debtors as Debtors-in-Possession in this case.

4. The Debtors have selected this attorney for the reasons that this attorney has considerable experience in matters of this character, and the Debtors believe that this attorney is well qualified to represent them as Debtor-in-Possession in this case.

5. The professional services to be performed by this attorney are:

- a) To give the Debtors legal advice with respect to their powers and duties as Debtors-in-Possession and the continued operation of their business and management of their properties.
- b) To review all of the various contracts heretofore entered into by the Debtors and to determine which contracts should be rejected.
- c) To represent the Debtors in collection of their accounts receivable.
- d) To prepare on behalf of the Debtors necessary applications, answers, orders, reports and other legal papers.
- e) To assist the Debtors in the negotiation of a plan of reorganization with their creditors in this case.
- f) To perform all other legal services for the Debtors, as Debtors-in-Possession, which may become necessary herein.

6. It is necessary for the Debtors, as Debtors-in-Possession, to employ an attorney to perform the professional services described in the preceding paragraph.

7. To the best of Debtors' knowledge, said attorney has no connection with the creditors or any other party in interest, or its respective attorneys, other than as set forth in the attached Exhibit "A".

8. It is necessary and essential that the Debtors, as Debtors-in-Possession employ, Sidney J. Diamond, of Sidney Diamond P.C., to be employed with compensation as approved by the Court upon application for allowance of payment of fees filed not more frequently than once every 120 days.

9. This attorney represents no interest adverse to the Debtors as Debtors-in-Possession or to the estate in matters upon which he is to be engaged by the Debtors, and Debtors' employment of this attorney would be in the best interest of this estate.

10. The compensation paid or agreed to be paid to this attorney for services rendered or to be rendered on behalf of the Debtors in connection with a case under Title 11 of the United States Code, such payment or agreement having been made within one year before the date of the filing of the petition, is \$7,500.00, plus filing fees and other expenses totally \$1169.00, approximately \$1000.00 of which has been expended pre-petition, leaving a post-petition retainer balance of \$6,500.00, to be applied against an hourly rate of \$285.00 an hour and legal assistant fees at \$100.00 an hour, plus reimbursement of expenses, all of which is subject to the approval of the Court reduced by services rendered and expenses incurred pre-petition. A copy of the Disclosure of Compensation required by Bankruptcy Rule 201 2016(b) and L. Rule 2016 is attached hereto as Exhibit "B".

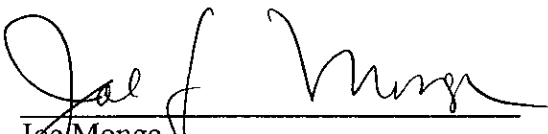
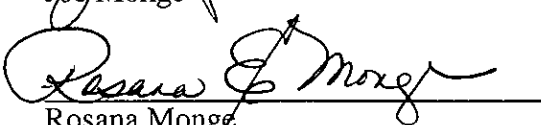
WHEREFORE, the Debtors pray:

1. That the employment of this attorney to represent the Debtors in this case be approved by the Court; and,

2. For such other and further relief as the Debtors may show themselves to be entitled.

DATED: April 27th, 2009.

Respectfully submitted,


Joe Monge

Rosana Monge

CERTIFICATE OF SERVICE

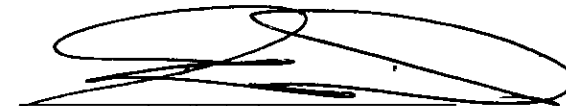
I, Sidney J. Diamond, do hereby certify that on April 27, 2009, a true and correct copy of the foregoing Application to Employ Sidney J. Diamond as Attorney for the Debtors-In-Possession was served, by depositing the same in the United States Mail, properly addressed and postage prepaid, to the following parties:

THE DEBTORS:

Joe and Rosana Monge
51 Sierra Crest Drive
El Paso, Texas 79902

UNITED STATES TRUSTEE:

Office of the U.S. Trustee
P.O. Box 1539
San Antonio, TX 78295-1539



Sidney J. Diamond

EXHIBIT "A"

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

IN RE:

**JOE MONGE and
ROSANA MONGE**

Debtors.

CASE NO. #09-30881

CHAPTER 11

AFFIDAVIT OF SIDNEY J. DIAMOND

THE STATE OF TEXAS §
 §
COUNTY OF EL PASO §

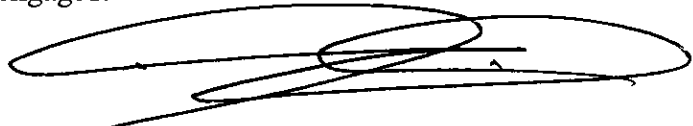
Sidney J. Diamond, being duly sworn, deposes and says as follows:

1. **QUALIFICATIONS:** That I am an attorney and counselor at law, duly admitted to practice in the State of Texas and in the United States District Court For The Western District Of Texas. I have had extensive experience in practice in the United States Bankruptcy Court for the Western District of Texas.

2. **OFFICE:** I maintain an office for the practice of law at 3800 N. Mesa, Suite C-4, El Paso, Texas 79902, and my telephone number is 915-532-3327.

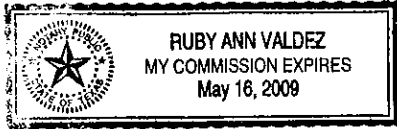
3. **CONNECTION WITH DEBTOR:** I have no connection with Joe and Rosana Monge, the Debtors in this case, its creditors or any other party in interest herein, or its respective attorneys.

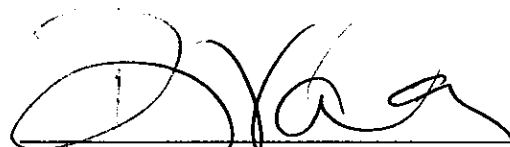
4. **NO ADVERSE INTEREST:** I represent no interest adverse to the Debtor herein, or its estate in the matters upon which I am to be engaged.



Sidney J. Diamond

SUBSCRIBED AND SWORN TO BEFORE ME, on April 23, 2009.





Notary Public in and for The State of Texas

My Commission Expires:

May 16, 2009

EXHIBIT "B"
UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

IN RE:

**JOE MONGE and
ROSANA MONGE**

Debtors.

CASE NO. #09-30881

CHAPTER 11

DISCLOSURE OF COMPENSATION OF SIDNEY J. DIAMOND
UNDER 11 U.S.C. §329 AND BANKRUPTCY RULE 2016(b)

I, Sidney J. Diamond, certify that I am the attorney for the above named Debtor and that the compensation paid or agreed to be paid to this attorney for services rendered or to be rendered on behalf of the Debtor in connection with a case under Title 11 of the United States Code, such payment or agreement having been made within one year before the date of the filing of the petition, is \$7,500.00, plus filing fees and other expenses totally \$1169.00, approximately \$1000.00 of which has been expended pre-petition, leaving a post-petition retainer balance of \$6,500.00, to be applied against an hourly rate of \$285.00 an hour and legal assistant fees at \$100.00 an hour, plus reimbursement of expenses, all of which is subject to the approval of the Court reduced by services rendered and expenses incurred pre-petition.

DATED: April 27th, 2009.

Respectfully submitted,

SIDNEY DIAMOND, P.C.

By:

Sidney J. Diamond
Attorney for Debtor
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